

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AARON OLSON,

Defendant.

No. 19-CR-2029-CJW-MAR

ORDER

This matter is before the Court on a Report and Recommendation (“R&R”) (Doc. 46) of the Honorable Mark A. Roberts, United States Magistrate Judge. On June 12, 2019, defendant filed a Motion to Suppress and Request for Evidentiary Hearing. (Doc. 24). On June 19, 2019, the government filed a timely resistance. (Doc. 26). On October 11, 2019, Judge Roberts held a hearing on the motion.¹ (Doc. 39). On October 16, 2019, both parties timely filed supplemental briefs pursuant to Judge Roberts’ order. (Docs. 40 & 41).

On November 4, 2019, Judge Roberts issued his R&R, recommending that the Court deny both defendant’s Motion to Suppress and Request for Evidentiary Hearing. (Doc. 46). Specifically, Judge Roberts held that no *Miranda* violation occurred during the November 8, 2018, interview of defendant, that defendant is not entitled to a hearing under *Franks v. Delaware*, that defendant’s statements to police on November 9, 2018, are admissible, and that all three warrants at issue were proper. (Doc. 46). Moreover, the *Leon* good faith exception also applied to all the warrants and none of the warrants were fruit of the poisonous tree. (*Id.*, at 34-59). The deadline for filing objections to

¹ This hearing was twice continued at defendant’s request. (Docs. 32, 34, 37, & 38).

the R&R was November 18, 2019. (*Id.*, at 59).

The time to object to the R&R has expired, and neither party has filed any objections. Thus, the parties have waived their right to a de novo review of the R&R. *See, e.g., United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001) (“Appellant’s failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate judge as well as his right to appeal from the findings of fact contained therein.” (citation and internal quotation marks omitted)). Accordingly, the Court reviews Judge Roberts’ R&R for plain error. *Id.* The Court finds no plain error in Judge Roberts’ decision. Accordingly, the Court **adopts** the factual findings and legal conclusions in the R&R. Defendant’s Motion to Suppress and Request for Evidentiary Hearing is **denied**.

IT IS SO ORDERED this 20th day of November, 2019.



C.J. Williams
United States District Judge
Northern District of Iowa